

February 4, 2026

The Honorable Renee Erickson, Chairperson  
Senate Committee on Education  
300 SW 10th Avenue, Room 144-S  
Topeka, Kansas 66612

Dear Senator Erickson:

SUBJECT: Fiscal Note for SB 419 by Senate Committee on Education

In accordance with KSA 75-3715a, the following fiscal note concerning SB 419 is respectfully submitted to your committee.

SB 419 would enact the Kansas Intellectual Rights and Knowledge (KIRK) Act. The bill would specify that expressive activities are protected and outdoor areas of campus would be deemed public forums for the campus community to engage in expressive activities. Postsecondary educational institutions could not create free speech zones or other designated areas of campus outside of which expressive activities are prohibited. Postsecondary educational institutions may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored to serve a significant institutional interest only when restrictions are clear, published, and viewpoint-neutral and preserve ample alternative means of expression. The restrictions must still permit spontaneous and contemporaneous assembly or literature distribution by the campus community. Nothing in the above provision would be construed as limiting the right of student expression in campus spaces that are not outdoor areas of campus.

Any individual who wishes to engage in non-commercial expressive activity on campus would be permitted to do so freely, as long as the individual's conduct is lawful and does not materially or substantially disrupt the functioning of the postsecondary educational institution. Postsecondary educational institutions may charge fees to a student or student association as part of an application for any expressive activity that requires a permit, except that an institution could not charge security fees based on the content of the expressive activity of the student, student association, an invited guest, or anticipated reaction. The requirement or amount of any security fee would only be determined on the basis of content-neutral and viewpoint-neutral criteria, including, but not limited to, the location of the activity, anticipated size of the audience, and

whether alcohol would be served. Each institution would be required to publish the criteria used for assessing a security fee.

Institutions may enforce reasonable time, place, and manner restrictions provided the restrictions are narrowly tailored to serve a significant institutional interest, employ clear published content-neutral and viewpoint-neutral criteria, and still permit spontaneous and contemporaneous assembly, speech, or literature distribution. Institutions would retain authority to prohibit expression that is not protected by the First Amendment or that constitutes harassment, and the Act would not authorize conduct that intentionally, materially, and substantially disrupts expressive activity occurring in a space reserved for exclusive use.

Each institution would be required to do the following:

1. Publish on its website, handbooks, and orientation programs the policies, regulations, or expectations of students regarding free expression on campus;
2. Develop materials, programs, and procedures to ensure any individual who is responsible for student discipline or education, including, administrators, campus police officers, residence life officials, and professors, understand the policies, regulations, and duties of the institution regarding free expression on campus; and
3. Submit an annual report to the Governor and the Legislature with information as outlined in the bill.

The report would be required to be accessible on the institution's website home page. If an institution has been sued for alleged violation of First Amendment rights, the institution would be required to submit a supplementary report to the Governor and the Legislature that includes a copy of the complaint or any amended complaint within 30 days of receiving notice that a complaint has been filed.

The Attorney General or an individual whose expressive rights were violated may bring an action against an institution and any agent of the institution acting in an official capacity to a court for a violation and recover damages, court costs, and attorney fees. A prevailing plaintiff would be entitled to statutory damages of at least \$500 for the initial violation and \$50 for each day the violation continues. The damages would begin occurring the day immediately after the complaint is served on the institution and if there are violations where multiple individuals are harmed, damages would be equitably divided. Postsecondary institutions would not be immune from suit or liability. Each day a violation continues and each day that a policy in violation of the Act remains in effect would constitute a new day of the violation. The bill's provisions would be severable.

The Office of Judicial Administration indicates that the enactment of the bill could increase the number of cases filed in district courts because it permits the Attorney General or an individual to file a court action against a postsecondary educational institution for violations of the bill's provisions. These actions would increase the time spent by district court judicial and nonjudicial

personnel in processing, researching, and hearing cases. The agency notes that the enactment of the bill would result in the collection of docket fees for any case filed, which would be deposited into the State General Fund. However, a fiscal effect cannot be estimated.

The Office of Attorney General estimates any fiscal effect resulting from enactment of the bill could be absorbed within existing resources.

Fort Hays State University estimates additional State General Fund expenditures of \$2,500 in FY 2027 and \$500 in FY 2028 if the bill is enacted. For the FY 2027 amount, \$2,000 would be one-time costs for training, policy updates, and annual reporting. The remaining \$500 would be for other operating expenditures to comply with the bill's provisions and would be ongoing.

Emporia State University estimates any fiscal resulting from enactment of the bill could be absorbed within existing resources.

Pittsburg State University estimates additional State General Fund expenditures of \$85,000 in both FY 2027 and FY 2028, along with an additional FTE position if the bill is enacted. The additional funding would be for salaries and wages for a Compliance Manager FTE position to comply with the bill's provisions.

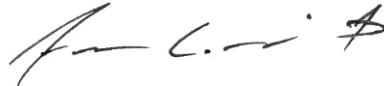
Kansas State University estimates additional State General Fund expenditures of \$135,000 in FY 2027 and \$64,000 in FY 2028 if the bill is enacted. Of the FY 2027 amount, the entire amount would be for one-time costs, including \$80,000 for policy review and updates, \$20,000 would be for event management contingencies, \$15,000 would be for training development, \$15,000 would be for reporting system maintenance, and \$5,000 would be for updates to websites and handbooks. For FY 2028, \$64,000 would be for ongoing expenditures, including \$8,000 for training, \$30,000 to compile information for annual reporting to the Governor and Legislature, \$6,000 for system maintenance, and \$20,000 for event management contingencies.

Both the University of Kansas and the University of Kansas Medical Center each estimate additional expenditures between \$350,000 and \$626,000 in FY 2027 and \$350,000 and \$600,000 in FY 2028 if the bill is enacted. Of the FY 2027 amount, \$26,000 would be for a one-time expenditure to create a training module. The remaining \$600,000 would be ongoing expenditures, including \$250,000 for litigation costs, \$168,000 for an additional 2.00 Campus Police Officer FTE positions, \$172,000 for all employees to take an online training course, and \$10,000 for current staff time to manage the bill's requirements. The Division of the Budget notes that any additional funding for litigation costs would only be needed if there is a complaint filed against an institution or other legal action concerning the bill's provisions.

Wichita State University estimates additional State General Fund expenditures of between \$13,790 and \$22,420 in FY 2027 and \$8,890 and \$15,220 in FY 2028 resulting from the bill's enactment. Of the FY 2027 amount, between \$4,900 and \$7,200 would be for one-time expenditures for current staff for compliance and policy updates, training, reporting, and legal review. Ongoing expenditures would total between \$8,890 and \$15,220 for current staff to comply with the bill's provisions.

The Board of Regents states enactment of the bill would have a negligible fiscal effect on agency operations and the postsecondary education system. Any fiscal effect associated with SB 419 is not reflected in *The FY 2027 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish.

Adam C. Proffitt  
Director of the Budget

cc: Becky Pottebaum, Board of Regents  
Jeff Dewitt, University of Kansas  
Stephanie McDowell, Kansas State University  
Lyndsay Pletcher, Wichita State University  
Angela Wolgram, Emporia State University  
Douglas Ball, Pittsburg State University  
Wesley Wintch, Fort Hays State University  
Matt Bingesser, Office of the Attorney General  
Trisha Morrow, Judiciary